



LEI.0006P

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : Joseph W. Cole; Ernest G. Cole) Group Art Unit: 3714
Appl. No. : 09/750,742)
Filed : December 28, 2000)
For : ERGONOMICALLY-DESIGNED)
DUAL STATION, DUAL DISPLAY)
GAMING STATION WITH)
PLAYER CONVENiences)
Examiner : Corbett E. Coburn)

)

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 26, 2007

R. Scott Weide, Reg. No. 37,755

REPLY BRIEF TRANSMITTAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is the Reply Brief in response to the Examiner's Answer mailed June 4, 2007 in 11 pages.

Applicant claims small entity under 37 C.F.R. 1.9 and 1.27.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No.: 502200. A duplicate copy of this sheet is enclosed.

Dated: July 26, 2007

By:

Respectfully submitted,

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R. Scott Weide, Reg. No. 37,755

REPLY BRIEF

Appellant hereby submits its Reply Brief in accordance with 37 C.F.R. § 41.41(a)(1)/ 41.43 (b) and M.P.E.P. § 1208, in response to the Examiner's Answer mailed June 4, 2007.

REPLY TO EXAMINER'S SUMMARY

The Examiner argues that “[t]his case is about putting two prior art slot machines in a prior art slot machine case and the various arrangements the slot machines components may take within the case.” Appellant disagrees with this characterization of the claimed invention and asserts that the Examiner’s misunderstanding or mis-characterization of the claimed invention evidences why the Examiner’s rejections of the claimed subject-matter are unfounded and should be reversed.

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A. Rejection under 35 U.S.C. §103(a) over Fey in view of Luciano

The Examiner rejected Claims 47-51 and 57-60 over Fey in view of Luciano.

Independent Claim 47

The Examiner asserts that “Claim 47 is attempting to get a patent on putting two slot machines in one box.” This assertion ignores the limitations of Claim 47. In order support of the Examiner’s position, the Examiner’s recitation of the elements of Claim 47 at the bottom of Page 9 of the Examiner’s Answer misrepresents or mis-characterizes Claim 47 by omitting many of the elements of Claim 47 which define Claim 47 over the prior art.

Claim 47 is directed to a game station configured to present first and second wagering games to a single player. Claim 47 includes a variety of specific claim language (which the Examiner omitted from the Answer) that directs the claim to a “single player, two game” invention:

a base unit having a first side and an opposing second side, and a first end and a second end, said base unit defining at said first side a first player station for use by a first single player generally facing said first side of said base unit;

said base unit including a base portion and a console extending upwardly from said base portion, said base portion and console positioned between said first end and said second ends of said base unit, said console including a first face corresponding to said first side of said base unit;

a first and a second electronically controlled video display at said first face of said console, said first and second electronically controlled video displays positioned sufficiently proximate to one another to be viewed at the same time by said first player of said first station;

at least one wager accepting device at said game station adapted to accept a wager placed by said first player of said player station to play either or both at least a first wagering game and a second wagering game;

a first electronic game controller adapted to present first wagering game information corresponding to said first wagering game on said first display in response to a first wager placed by said first player and a second electronic game controller

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adapted to present second wagering game information corresponding to said second wagering game on said second video display in response to a second wager placed by said first player, said first and second gaming controllers configured to independently generate said first and second wagering game information such that said first and said wagering games and their outcomes are independent, whereby said first player may concurrently play said first and second wagering games by concurrently viewing said first and second wagering game information presented on said first video display and said second video display; and

at least one player input device permitting said first player to provide input to said game station affecting the first and second gaming information presented to said first player by said first and second display.

It will thus be appreciated that Claim 47 does not recite a cabinet which simply houses two different slot machines for play by two different players. To the contrary, Claim 47 recites a gaming machine which includes a player station for play by a single player, including a wagering accepting device adapted to accept a wager placed by that single player for playing either or both of a first and a second wagering game, a player input device permitting the single player to provide input relative to the play of both games, and the first and second wagering games having independent outcomes may be presented to the single player.

As indicated in Appellant's Appeal Brief and as admitted by the Examiner, the prior art simply discloses two (or more) slot type machines for play by different players, those two or more machines located in the same housing. As point of reference, the BIG SIX machine cited by the Examiner has two slot machines in one housing, and thus does not meet the limitations of Claim 47. For example, the BIG SIX machine has two coin slots, each of the coin slots corresponding to a single slot machine, thus permitting a single player to place a wager to play only one of the games (i.e. each coin slot corresponds to one of the games or dials only). On the other hand, the gaming

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machine as claimed requires a wager accepting device and player input device which permits a single player two participate in two wagering games. The BIG SIX machine also does not disclose a player input device by which the single player may provide input to either the first wagering game or the second wagering game, and moreover, such would be completely incongruous with the BIG SIX machine. For example, could one imagine having a reel spin arm on the BIG SIX machine by which a player of one of the slot machines could start the reels of the other slot machine being played by a completely different player?

Further, Appellant asserts that the claimed invention is non-obvious. The Examiner has cited no prior art which discloses a gaming machine configured to present at least two independent wagering games to a single player, as claimed. As noted, the Examiner has only cited art which discloses locating independent gaming machines in a common housing. As noted in Appellant's Appeal Brief, the claimed invention has numerous advantages in the gaming industry, as the invention allows a casino to maintain the attention of a single player by presenting multiple different and independent games, thus increasing gaming revenue per square foot. This is substantially different than the prior art, where the player must play entirely different games or gaming devices at different times (such as by moving from machine to machine, whether or not such machines are associated with a common housing).

The invention also has the advantage that a single player can utilize a single wager accepting device to bet on different wagering games (as compared to the prior art, where a player has to place a wager with a first gaming device, play that game, then move to a second wagering device and place a wager at that device).

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Dependent Claim 48

Claim 48 is dependent upon Claim 47 and recites the game station as having a base unit with first and second sides, each of which defines a player station. However, each player station is configured to with a common wager accepting device and is configured to present at least two independent wagering games to each individual player of each player station, as in the manner detailed in Claim 47. In that the prior art does not disclose the claimed configuration of a single game station (as detailed above), the prior art clearly does not disclose or suggest a game station having two such player stations.

Dependent Claim 51

As noted in Appellant's Appeal Brief, Claim 51 recites a game station having a first end and a second end with a console positioned there between, and including a housing located between the console and the second end, where a wager accepting device is mounted to the housing. Appellant notes that this claim is patentable over Luciano, because Luciano discloses only that the wager accepting devices (see Luciano, Figure 1A at reference numbers 106/108) are located in housings which are entirely external to the console, not between the first and second ends of the console.

The Examiner argues that Claim 50 does not distinguish over Luciano. Appellant disagrees. Once again, if Claim 51 is read carefully, Claim 51 specifically recites that the wager accepting device is in a housing located between a second end of the base unit of the game station, and a console portion of the base unit. How can the housing be exterior to the unit, if it must be within the end of the unit? Moreover, Appellant asserts that the configuration as claimed is non-obvious in

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view of Luciano, the claimed configuration having the advantage that the wager accepting device is secured within the main portion of the game station, and at the same time, in a housing which allows the wager accepting device to be secured independent of the other components of the gaming machine (such as the displays, etc., which may be accessible to technicians or service persons).

Independent Claim 57

Appellant has provided evidence of the independent patentability of the subject-matter claimed in Claim 57. As noted in Appellant's Appeal Brief, Claim 57 recites a play surface and a game station having a restricted height console. Appellant disagrees that the height of the cabinet is a matter of design choice. The problem with existing gaming machines is that they are single use. As indicated in the application, one purpose of the game station is to allow game players to play multiple games - including both electronic games presented at the machine and bingo or other games which require that the player's view to other areas not be restricted. The game station of the invention solves this problem by having a design which both allows one or more electronically controlled games to be presented at the game station, and also be configured to provide a play surface and not restrict the player's view to other gaming areas, such as an electronic bingo board which may be remotely located from the game station.

Dependent Claim 58

Claim 58 depends from Claim 57 and recites that the game controllers of the station are located in the base unit below the console portion. The Examiner asserts that this is a matter of

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design choice. As indicated in the present application, an advantage of this design is that it minimizes the foot print or area occupied by the game station, and allows the controllers to be independently securable (from other components, such as the displays and wager accepting devices). Theoretically, a nearly unlimited number of potential configurations of gaming machines are possible. Yet, thousands of patents have been issued to these gaming machines, thus evidencing that not every configuration is "a matter of design choice." As indicated, Appellant has arrived at a particular design having particular advantages and unexpected benefits, establishing the non-obviousness of the combination as claimed.

Dependent Claim 59

Claim 59 depends from Claim 57 and specifically recites that the player stations at either side of the base unit are symmetrically configured. The Examiner previously rejected this claim, asserting that the Fey reference disclosed such a configuration. Apparently, now realizing that no prior art discloses the claimed configuration, the Examiner asserts that such a configuration is simply another design choice within the level of ordinary skill in the art.

Appellant asserts that the Examiner has failed to meet the requirements for a *prima facie* case of obviousness. Moreover, as indicated previously, the claimed configuration is non-obvious, having a number of advantages/unexpected results: in particular, in the configuration as claimed, common console and housing portions can be utilized to support or contain corresponding portions of the player stations at opposing sides. Further, in the case of a configuration where the housing extends higher than the console (as illustrated in Figure 3 of the application), having the housing for both

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player stations at the same end of the game station reduces the portion of the game station which extends upwardly and might block the player's views (which would happen if a housing extended upwardly at each end of the unit, were the unit symmetrically arranged, as in back-to-back gaming machines).

B. Rejection under 35 U.S.C. § 103(a) over Fey and Luciano in Further View of Lucero

The Examiner rejected Claim 52 over Fey and Luciano in further view of Lucero.

Claim 52

Claim 52 is dependent upon Claim 47. For the reason that Claim 47 is allowable over the prior art as detailed above and in Appellant's Appeal Brief, Appellant asserts that Claim 52 is allowable.

C. Rejection under 35 U.S.C. §103(a) over Fey and Luciano in Further View of Walker

The Examiner rejected Claims 53-56 over Fey and Luciano in further view of Walker.

Independent Claim 53

Claim 53 is similar to Claim 47 in that it recites a game station defining a player station configured to present first and second wagering games to a single player (i.e. not two or more slot machines for play by independent players, those machines simply associated with a common housing).

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In addition to the points raised related to Claim 47 which are pertinent to Claim 53, Claim 53 also recites a wager “allocation input.” As detailed, the game station as claimed has a value accepting device for accepting value, and an allocation input for allocating that value for use in playing first or second wagering games. This might comprise, for example, a currency acceptor (see application at element (50) in Figure 1 and text at page 16, lines 12-22) and an allocation input which permits the player to allocate that accepted currency for playing the first game and as one or more second wagers for playing the second game (see application at page 35, line 20 to page 36, line 2; application at page 36, line 17 to page 37, line 4).

The Examiner argues that the BIG SIX machine has two coin heads, thus permitting a player to allocate wagers. Again, because the BIG SIX machine comprises two independent slot machines located in a common housing, this reference does not disclose or suggest a “single player” game station, or the features thereof, as claimed. The BIG SIX machine details two coin heads, each of which specifically corresponds to one of the two slot machines. In this configuration, there are two value accepting devices, but no “allocation input.” A player either puts coins into the first slot and plays the first slot machine of the BIG SIX machine, or puts coins into the second slot and plays the second slot machine. The BIG SIX machine does not include a wager accepting device for accepting a wager or value, and then an allocation input for allocating that provided value so as to play either game, as specifically recited in Claim 53.

Claim 53 also recites a video selector adapted to provide non-gaming video data from a video feed to either the first or second display. The Examiner indicates that “this is exactly what Walker teaches.” Appellant disagrees: Walker does not disclose providing two displays, both of which are

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configured to provide wagering game information, wherein the video may be presented on one of those displays (such that the video feed may be presented at one display while a game is presented via the other). Walker discloses one configuration in which when a gaming machine is a reel-type machine, the machine is fitted with a secondary video display (346, see Figure 1 of Walker). In this configuration, the Walker machine does not include two displays for displaying game content, and moreover, requires that a dedicated video display be added to the reel-type slot machine in order to show the video. Walker also discloses that if the gaming machine has a video display configured to display game information (such as in the case of the well-known video poker gaming machine), then the video feed could be supplied to that same video display (see Walker at col. 7, lines 17-23). This configuration has the disadvantage that if the video feed is displayed on the single video display, the game information is displaced or overridden. As indicated, the present invention has the advantage that two video displays are provided, each capable of presenting game information, and wherein a video feed may be supplied to one of the displays. In this manner, a player may play a game using one display while viewing video via the other display.

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Summary

Appellant requests allowance of all the pending claims for the reasons advanced above.

Dated: July 26, 2007

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